

ADOT CAR No.:13-0003938-I
Amendment No. One: 15-0005530-I
AG Contract No.: **13-0003938-I**
Project: Rio Salado Multiuse Path
Section: Tempe-Rio Salado at SR 101L
and SR 202L TI - Multi-Use Path
Federal-aid No.: 202-A(203)A
ADOT Project No H8474 01C
TIP/STIP No.: TMP-12-104C2
CFDA No.: 20.205 - Highway Planning
and Construction
Budget Source Item No.: NA

**AMENDMENT NO. ONE
TO
INTERGOVERNMENTAL AGREEMENT**

**BETWEEN
THE STATE OF ARIZONA
AND
CITY OF TEMPE**

THIS AMENDMENT NO. ONE to INTERGOVERNMENTAL AGREEMENT (the "Amendment No. One"), entered into this date _____, 2016, pursuant to Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF TEMPE, acting by and through its MAYOR and CITY COUNCIL (the "City"). The City and State are collectively referred to as the "Parties."

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, JPA/IGA 14-0004187-I, A.G. Contract No. 13-0003938, was executed on 07-02-2014,

WHEREAS, the State is empowered by Arizona Revised Statutes § 28-401 to enter into this Amendment No. One and has delegated to the undersigned the authority to execute this Amendment No. One on behalf of the State;

WHEREAS, the City is empowered by Arizona Revised Statutes § 48-572 to enter into this Amendment No. One and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Amendment No. One and has authorized the undersigned to execute this Amendment No. One on behalf of the City; and

NOW THEREFORE, in consideration of the mutual agreements expressed herein, the purpose of this Amendment No. One, is to clarify the City's intention to turn over maintenance responsibilities to the City of Mesa for the Rio Salado Path System Segment 2 as depicted in (Exhibit A). This responsibility would commence upon completion of the Rio Salado Path from SR101L to Dobson Road (SZ080 01C), shown as Segments 3 and 4 in (Exhibit A).

I. RECITALS

Paragraph 9. is added as follows:

9. Upon completion of the Rio Salado Path from SR101L to Dobson Road the City of Tempe agrees to turn over to the City of Mesa, all maintenance responsibilities for Segment 2 (Exhibit A).

II. SCOPE OF WORK

Section II, Paragraph 2.h. is revised, as follows:

2. The City will:

h. Upon notification of Project completion, agree to turn over to the City of Mesa, all maintenance responsibilities for the Rio Salado Path for Segment 2 (Exhibit A).

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the Original Agreement remain in full force and effect.

THIS AMENDMENT NO. ONE shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

IN ACCORDANCE WITH Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each Party's legal counsel and that the Parties are authorized under the laws of this State to enter into this Amendment No. One and that the Amendment No. One is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. One the day and year first above written.

CITY OF TEMPE

STATE OF ARIZONA

Department of Transportation

By _____

MARK W. MITCHELL

Mayor

By _____

STEVE BOSCHEN P.E.

ITD Director

ATTEST:

By _____

City Clerk

ATTORNEY APPROVAL FORM FOR THE CITY OF TEMPE

I have reviewed the above referenced Amendment No. One to the Original Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF TEMPE, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Amendment No. One to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Amendment No. One.

DATED this _____ day of _____, 2016.

City Attorney